

## **Clean Air Temecula**

33850 Sattui Street, Temecula, California 92592  
CleanAirTemecula@verizon.net, 951-216-3030

June 4, 2013

**TO:** Mr. Murry Wilson, Environmental Resource Specialist  
SLO County Department of Planning and Building  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408-2040

**RE: COMMENTS REGARDING THE OSTER/LAS PILITAS QUARRY DEIR**

Mr. Wilson,

On behalf of Clean Air Temecula, we are submitting the following comments regarding the DEIR for the proposed Oster/Las Pilitas Quarry project. In addition, I am requesting that we be added to your distribution list for future communications regarding this project.

### **DEIR COMMENTS:**

A number of the proposed Mitigation Measures are flawed in that they rely on plans and proposals being submitted after the project is approved. Clearly, this is a violation of CEQA as it disenfranchises (denies) the Public of their legal right to review and submit comments on the DEIR, due to some mitigation plan(s) and proposal(s) not even being included in the Draft EIR. Further, this means under CEQA that the DEIR is incomplete.

To mitigate air quality (pollution) impacts, the County shall require that the Applicant can only have Heavy-Duty diesel powered trucks (all trucks, not just the Applicant's trucks) servicing the quarry site which comply with the EPA 2010 diesel truck emissions standard. This will help reduce the over-the-road diesel particulates, which if not mitigated, will increase the negative impacts and health impacts to nearby residents.  
NOTE: Precedent already set in California for this mitigation measure.

All known health risks have not been properly evaluated. With the unearthing of such a large plot of land, not previously unearthed, there is the possibility that spores of Coccidioidomycosis (Valley Fever) will be released. Coccidioides is a fungus typically found in the soil of dry, low rainfall areas. In California, individuals have been known to develop chronic pulmonary infection or widespread disseminated infection from the first time unearthing of soil. What testing will be done prior to project approval to ensure that this health risk will not be unleashed if the project is approved? If this disease is found to be present, the proposed project should not be approved.

It is also unclear from the DEIR how any hazardous materials, such as residue from blasting, equipment lubricants and fuels, will be kept from entering the ground water of the proposed quarry. It appears that any watering of the site to control dust will only cause these chemicals to enter the groundwater under the site.

**Mitigation Measure AQ-1a:** Shall be modified to include that: All rock crushers, conveyors, and processing equipment shall be fully enclosed to control fugitive dust and to comply with the Best Available Control Technology (BACT).

**Mitigation Measure AQ-1b, Item 2:** Shall include a watering frequency so that the Public can observe if the Applicant is complying with the mitigation measure.

**Mitigation Measure AQ-1b, Item 7 states:** "Reclamation and revegetation of all disturbed areas shall occur as soon as practicable." The term "as soon as practicable" cannot be monitored to ensure compliance with the mitigation measure. A timetable for starting and completing needs to be included.

**Mitigation Measure NOISE 2b:** This Mitigation Measure acknowledges that the approval of this project will more than likely exceed the County daytime Leq standard of 50 dBA. For this reason, the project must be denied.

**Mitigation Measure NOISE 2b:** Shall be modified to limit over-the-road diesel truck traffic to the hours, and quarry operating hours, to 7:00 AM to 6:00PM so as to not increase the ambient Leq noise level to nearby residents.

Mitigation Measures AIR QUALITY and NOISE standard that the Applicant shall provide a contact person for dust and noise complaints, however, these mitigation measures do NOT mitigate anything if the Applicant is not required to shut down operations until such a time that the complaints are under control. The mitigation measures shall be modified to include such a shutdown until corrections are made.

**DEIR page ES-5** states that blasting will be "Infrequent blasting noise, expected one to two times per month (up to twenty times per year). Based on the proposed 500,000 tons of annual production and information provided from other California quarries which blast, it is difficult to believe only 20 blasts per year would be needed at full production. How will the County, as Lead Agency, ensure that blasting does not exceed this proposed maximum number?

**SECTION 2.3.1** states that the Applicant is requesting a C.U.P. for up to 58 years. Based on unknown potential future changes in aggregate demand, environmental considerations, etc., the C.U.P. should only be issued for a maximum of 25 years. The issuing of a C.U.P. for up to 58 years means that the project would be "grandfathered" from future changes in California laws and environmental considerations.

**SECTION 2.3.2** lists a number of pieces of processing equipment to be used at the project site. One of these items is a "Portable rock crushing plant (1)". From the DEIR, a lot is not known about this specific piece of equipment; however, portable rock crushing plants usually consist of open conveyors, which results in a significant amount of dust. California law requires that all equipment used at mining sites meet the B.A.C.T. (Best Available Control Technology) requirement. This would mean that the rock crushing



facility and related conveyors, at a minimum, should be fully enclosed, with a bag house to collect airborne dust generated from within the rock crushing facility.

**SECTION 2.3.3** states that between aggregate deliveries, recycled material and employee trips, there would be “278 trips/day”. The DEIR mixes trips of employee vehicles with over-the-road trucks. It is customary to also state a “passenger vehicle equivalence”. The passenger vehicle equivalence would be significantly greater than 278.

**SECTION 2.3.3**, second paragraph states that trucks bringing in recycled material would “backhaul” material out, thus reducing the number of truck trips. This assumption is flawed, as every truckload of recycled material brought in would leave as either recycled aggregate and/or waste from recycling. Further, “1,500 tons of recycled material per day at the quarry site” actually should be listed at 150 truck trips/day, instead of 75 truck trips/day.

**SECTION 4.3.1**, page 10, shows that there are a number of private residences in close proximity to the quarry site. Many quarries require that employees wear face masks and/or oxygen air packs to reduce the inhalation of crystalline silica; however, it appears there is no plan to mitigate the potential of crystalline silica inhalation to nearby residence. The California mining law (S.M.A.R.A) Section 2712 (c) states for mining projects: “Residual hazards to the public health and safety are eliminated.” Clearly, this proposed project will not comply with this requirement.

**EIR STUDIES** included in the DEIR in most cases are over three (3) years old, and in some cases over four (4) years old. While these studies may have been peer reviewed by the County, the County Planning Commission, and eventually the County Board of Supervisors, will be asked to make a decision on studies, which in some cases are outdated and no longer representative of current circumstances.

**GENERAL:** Before the County approves this, or any other significant pollution-producing project, we wish to respectfully remind County Officials that San Luis Obispo County has received an “F” rating for “High Ozone Days” in 2011, 2012, and 2013 from the American Lung Association.

If you have any questions regarding the above comments, please let me know. Further, I am requesting e-mail, or other confirmation, acknowledging receipt of these comments.

Sincerely,



Frederick J. Bartz  
Clean Air Temecula  
O: (951) 216-3030